

REMARKS

Claims 1-11 are presently pending in the application.

Claim 1 has been amended to positively recite that the metal case has a major outer face and a major inner face, which is supported at least in Fig. 2. Claims 2 and 4 have been amended to incorporate the subject matter of claims 1 and 3, respectively. Claim 3 has been amended to recite that a layer of sealant is between a major inner face of the metal case and a major outer face of the gasket. Finally, claims 9-11 have been added. Claim 9 recites that the sealing body comprises a synthetic resin or rubber, which is supported in the specification at least at page 15, line 13. Claim 10 is similar to original claim 3, but recites that the sealant is sandwiched between and in direct contact with a major inner face of the metal case and major outer face of the gasket and between a major outer face of the sealing plate and a major inner face of the gasket, which is supported at least in Fig. 1. Finally, new claim 11 is identical to claim 4 but depends from claim 10. No new matter has been added by these amendments, and entry is respectfully requested.

Initially, Applicants acknowledge and appreciate the time and consideration afforded to Applicants' undersigned representative Sandra Katz during a telephone interview on July 6, 2006. During this interview, the Examiner agreed that, as set forth in more detail below, the above amendments to claim 1 would overcome the rejection over the prior art of record. The Examiner also acknowledged that new independent claim 10 does not read on the prior art of record.

In the present Office Action, the Examiner has objected to the drawings as not showing the "major inner faces" and "major outer faces" recited in the claims. Accordingly, Figs. 1 and 2 have been amended to clearly specify these features, as well as the newly recited "minor inner face," and withdrawal of the objection is respectfully requested. Additionally, the specification has been amended to add descriptions of these features and the newly added reference numbers, which are supported in the Figs. as originally filed, as acknowledged by the Examiner in the Office Action. Thus, no new matter has been added by these amendments.

Applicants acknowledge and appreciate the Examiner's indication that claims 2, 4, and 6-8 have only been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Claims 2 and 4 have been amended to incorporate the subject matter from the respective independent claims, and thus it is submitted that claims 2

and 4 are in condition for allowance. While the Examiner has not set forth the reasons for allowance of claims 6 and 8 (but rather refers to the reasons set forth previously on the record, which only apply to claims 2 and 4), claims 6 and 8 have been repeatedly deemed allowable and thus the Examiner acknowledges that they do not read on the prior art of record. Regarding claim 7, however, Applicants note that the subject matter of claim 7 is the same as that of claim 5, which has been rejected. In order to reconcile this inconsistency, Applicants will assume that claim 7 should have been rejected. Clarification on the record is respectfully requested.

In the present Office Action, the Examiner has again rejected claims 1, 3, and 5 under 35 U.S.C. § 102(e) or § 103(a) as being anticipated by or obvious over U.S. Patent No. 6,146,789 of Horie et al. ("Horie") for the reasons set forth previously on the record. The Examiner argues that the present claims recite a major inner face of the metal case and a major outer face of a sealing body, which the Examiner acknowledges are depicted in Fig. 2. The Examiner understands that the major inner face appears to be along the inner face of the metal case [20], while the major outer face appears to correspond to the outer face of sealing body [16]. The Examiner thus interprets the major outer face to be nothing more than the edge portion of the sealing body and therefore takes the position that Horie teaches a major inner face of the metal case [21], i.e., the edge portion thereof, and a major outer face of the sealing body [22]. The Examiner argues that the major outer face of the sealing body in Horie is not unlike the claimed major inner face insofar as the disclosed outer face and the claimed inner face are each along the planar portion of the metal sheet. Finally, the Examiner takes the position that the dye of Horie inherently has an elastic affinity and is evenly dispersed. Applicants respectfully traverse these rejections and the arguments in support thereof as follows, and respectfully request reconsideration and withdrawal of the rejections.

Initially, Applicants respectfully traverse the Examiner's interpretation that the claimed major outer face of the sealing body means the edge portion thereof and the Examiner's conclusion that the major inner face of the metal case 21 of Horie is merely the edge thereof. As shown in Fig. 2 of the present application, the top edge of the sealing body 16 is the major outer face 34 thereof because it is the longer face; the right edge of the sealing body is not the major outer face. This major outer face 34 is opposed to the major inner face 30 of the claimed metal case, that is, the longer inner face. In Horie, the metal case [21] has a major inner face, but it is not the tiny edge portion. Rather, the major inner face of Horie must be understood to be the long (major) vertical inner face of the case which is opposed to the outer major face [22], which

the Examiner equates with the claimed sealing body.

Even if, *arguendo*, Fig. 2 of Horie is not drawn to scale, Applicants do not understand how the small edge portion of the metal case [21] of Horie can be interpreted to be a major inner face of the metal case. Based on this understanding of Horie (which Applicants submit is the only correct understanding), sealant [24] is not a layer which is sandwiched between and in direct contact with the major outer face of the sealing body [22] and the major inner face of the metal case [21].

While not agreeing with the Examiner's position that the small edge portion of Horie could be a major inner face of the metal case, claim 1 now positively recites that the metal case has a major outer face and a minor outer face. The Examiner agreed during the interview on July 6 that such a recitation would preclude reading the edge of Horie to be a major face.

Claim 3 recites that there is a layer of sealant sandwiched between and in direct contact with a major inner face of the metal case and a major outer face of the gasket. This element is not taught or suggested by Horie. Rather, in Fig. 2 of Horie, there is no layer of sealant [24] between the major inner face of the metal case [21] and the major outer face of the gasket [23]. This deficiency in Horie was acknowledged by the Examiner during the telephone interview on July 6.

For these reasons, Applicants respectfully submit that all of the elements of independent claims 1 and 3 and the claims which depend therefrom are not taught or suggested by Horie.

Additionally, new claims 9-11 are also not taught or suggested by Horie. Claim 9 recites that the sealing body comprises a synthetic resin or rubber. Horie is completely silent as to the material which comprises element [22], which the Examiner equates with the claimed sealing body.

Finally, claims 10 and 11 recite that there is a layer of sealant between both the gasket and metal case and between the gasket and sealing body. The Examiner interprets that element [21] of Horie to be equivalent to the claimed metal case, element [23] to be equivalent to the claimed gasket, and element [24] to be equivalent to the claimed sealant. Based on this understanding, in order to anticipate claims 10 and 11, Horie would have to teach a layer of [24] between metal case [21] and gasket [23]. Since, as acknowledged by the Examiner, this feature is clearly not taught by Horie, Horie does not teach or suggest all of the claimed elements.

For all of these reasons, Horie does not anticipate or render obvious the present claims, and reconsideration and withdrawal of the § 102 and § 103 rejections are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all of the pending claims are patentably distinct from the prior art of record and in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Encl: Replacement Sheets with Figs. 1 and 2
Amendment Transmittal
Petition for Extension of Time (one month)